

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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| UNITED STATES OF AMERICA, |) | CASE NO. C-14-2071 YGR |
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| Plaintiff, |) | TEMPORARY RESTRAINING ORDER; |
| |) | ORDER TO SHOW CAUSE RE: |
| v. |) | PRELIMINARY INJUNCTION |
| |) | |
| BURTON ORVILLE BENSON, |) | [Fed. R. Civ. P. 65; 18 U.S.C. § 1345] |
| |) | |
| Defendant. |) | |
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This matter came before the Court on the ex parte application of Plaintiff United States of America for a temporary restraining order restraining Defendant Burton Orville Benson, pending the hearing on Plaintiff's motion for a preliminary injunction, on Plaintiff's complaint for violation of 18 U.S.C. § 1341 (Mail Fraud), 18 U.S.C. § 1343 (Wire Fraud), and 18 U.S.C. § 1957 (Money Laundering) through an alleged scheme to defraud the Energy, Research, and Generation, Inc. Profit Sharing Plan (the "Plan") and Plan participants. Plaintiff having presented evidence in support of the temporary restraining order, and good cause for its issuance having been shown, the Court **GRANTS** the motion for a temporary restraining order and sets a hearing on the motion for preliminary injunction as follows:

ORDER TO SHOW CAUSE

TO DEFENDANT BURTON ORVILLE BENSON ("DEFENDANT"):

YOU ARE HEREBY ORDERED TO SHOW CAUSE on May 22, 2014, at 2:00 p.m., in Courtroom 1, Federal Courthouse, 1301 Clay Street, Oakland, California, why **YOU**, your officers, agents (including family members, financial institutions, and other entities having possession or control of Defendant's

assets), brokers, attorneys, employees, and entities owned or controlled by Defendant, and all those in active concert or participation with **YOU** should not be **RESTRAINED AND ENJOINED** from the following:

(A) Acting as the Plan's trustee and/or fiduciary to obtain any money under the custody or control of the Plan and Plan participants;

(B) Accepting, transferring, alienating, encumbering and/or disposing of, or otherwise taking any action with respect to, monies received from the Plan and Plan Participants;

(C) Withdrawing, transferring, removing, dissipating, and/or disposing of any funds presently deposited or held on Defendant's behalf and/or on behalf of the Plan, by any financial institution, trust fund, brokerage agency or other financial agency, public or private, including, but not limited to any and all funds held in the following financial institution accounts:

(1) Charles Schwab & Company:
Account Number 3185-1514

(2) Vanguard Group, Inc.:
Account Number 0979-182-6507
Account Number 0979-185-2555
Account Number 0979-185-2830 (Closed)
Account Number 0994-924-9198
Account Number 0995-843-2145
Account Number 0996-107-4655
Account Number 0997-586-2549
Account Number 0998-397-5224
Account Number 9961-074-6554

(3) Bank of St. Croix
Account Number 330 11221

(D) Withdrawing, transferring, removing, dissipating, and disposing of funds in the following bank accounts:

(1) Vanguard, Inc.:
IFW-BVI Account Number 0997-0988-224

(2) Bank of St. Croix:
IFW-BVI Account Number 220-10003
Bay Estates Group Account Number 220-11805
Bay Estates Group Account Number 220-13375
Bay Estates Group Account Number 220-14037

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Defendant Burton Orville Benson and Intervenor Bryan D. Leyda shall file any written response to the Motion for Preliminary Injunction no later than 5:00 p.m. on **May 19, 2014**. Plaintiff shall file any reply no later than 12:00 p.m. on **May 21, 2014**.

The parties shall continue to meet and confer on the scope of any stipulated preliminary injunction order and shall report the status of those discussions to the Court on **May 16, 2014, at 10:00 a.m.**

TEMPORARY RESTRAINING ORDER

PENDING THE HEARING on Plaintiff's preliminary injunction, **DEFENDANT BURTON ORVILLE BENSON** ("Defendant"), his officers, agents (including family members, financial institutions, and other entities having possession or control of Defendant's assets), brokers, attorneys, employees, and entities owned or controlled by Defendant, and all those in active concert or participation with Defendant are **HEREBY RESTRAINED AND ENJOINED** from the following:

(A) Acting as the Plan's trustee and/or fiduciary to obtain any money under the custody or control of the Plan and Plan participants;

(B) Accepting, transferring, alienating, encumbering and/or disposing of, or otherwise taking any action with respect to, monies received from the Plan and Plan Participants;

(C) Withdrawing, transferring, removing, dissipating, and/or disposing of any funds presently deposited or held on Defendant's behalf and/or on behalf of the Plan, by any financial institution, trust fund, brokerage agency or other financial agency, public or private, including, but not limited to any and all funds held in the following financial institution accounts:

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IFW-BVI Account Number 220-10003
Bay Estates Group Account Number 220-11805
Bay Estates Group Account Number 220-13375
Bay Estates Group Account Number 220-14037

THE ONLY EXCEPTION TO THE ABOVE BEING THAT:

Defendant may make payments to **Tina Cavestany** and **Elena Ponce**, caregivers for Elizabeth C. Benson, in an amount not to exceed a total of **\$640.00**.

IT IS SO ORDERED.

Dated: May 12, 2014


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE